

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936**

**WP(C).No. 9487 of 2014 (I)**  
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**PETITIONER(S):**  
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**ISSAC, AGED 68 YEARS,  
S/O. VARKEY, MARACHERIPUTHEYATH HOUSE,  
MANNAMKANDOM P.O., 200' ACRE, DEVIKULAM TALUK,  
PIN-685 561.**

**BY ADV. SRI.PADAYATTEE YELDO**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM.**
- 2. VILLAGE OFFICER,  
MANNAMKANDOM VILLAGE, ADIMALY P.O., IDUKKI-685 561.**

**BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT. P1 : TRUE COPY OF TAX RECEIPT DTD.22.2.1979.**

**EXT. P2 : TRUE COPY OF THE TAX RECEIPT DTD.3.8.1991.**

**EXT. P3 : TRUE COPY OF THE REPORT OF REVENUE INSPECTOR LAND TRIBUNAL  
DTD.26.9.2011.**

**EXT. P4 : TRUE COPY OF CERTIFICATE OF VILLAGE OFFICER DTD.3.11.2011.**

**EXT. P5 : TRUE COPY OF REPORT OF REVENUE INSPECTOR DTD.6.1.2012.**

**EXT. P6 : TRUE COPY OF REPORT OF VILLAGE OFFICER DTD.10.9.2012.**

**EXT. P7 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE PRESIDENT,  
MANNAMKANDOM PANCHAYATH DTD.12.3.2014.**

**EXT. P8 : TRUE COPY OF REPORT OF LAND TRIBUNAL DTD.11.5.2011.**

**EXT. P9 : TRUE COPY REPRESENTATION BEFORE THE 2ND RESPONDENT  
DATED 1.10.2012**

**EXT. P10: TRUE COPY OF REMINDER BEFORE THE 2ND RESPONDENT  
DTD.27.3.2014.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**P.R. RAMACHANDRA MENON J.**

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Dated, this the 14<sup>th</sup> day of January, 2015

**JUDGMENT**

The case of the petitioner is that he purchased the property having an extent of 71 cents from one Mrs. Bhavani Narayanan in the year 1972. Admittedly, no patta was issued in respect of the said property and no sale deed was executed before any Registering Authority, but for the possessory right held by the parties concerned. It was originally one Mr. Sivaraman Govindan who had possessory rights, who conveyed his rights and interests to Mrs. Bhavani. It was from Bhavani, that the property came to the hands of the petitioner. It is contended that the petitioner approached the concerned Land Tribunal for issuance of purchase certificate (described as 'Kraya certificate'), but the petitioner was required to approach the Revenue Authorities. It was accordingly that an application was filed before the second respondent in this regard, which is not acted upon. Hence the writ petition.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

3. Admittedly, but for the possessory rights, no title was ever conveyed either to predecessor in interest of the property or to the petitioner at any point of time. At the same time, it is conceded that, the enquiry made by the petitioner revealed that after obtaining the property by the petitioner from Bhavani, 'patta' came to be issued in the name of Sri. Sivaraman Govindan without any regard to the turn of events. It is also stated that, Sivaraman Govindan took his last breath without leaving any legal heirs. The property is now in the possession and enjoyment of the petitioner for more than three decades. It is also evident from the endorsements on Exts. P3 and P5 made by the concerned Revenue Inspector, as to the nature of transaction, but no mention is there as to the issuance of 'patta' in favour of Sivaraman Govindan.

4. In view of the admitted fact that 'patta' with respect to the property has been issued in the name of Sivaraman Govindan, who is no more, it is for the petitioner to move the appropriate forum for getting the 'patta' cancelled, for having issued without any regard to the actual facts and figures and without giving an opportunity of hearing to the petitioner. Without prejudice to the rights and liberties as above, the writ petition is disposed of,

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making it clear that no opinion is expressed with regard to the flow of title or as to the rights and liberties of the parties concerned. The rights and liberties of the petitioner to approach this Court again, if so necessitated, is left open.

Sd/-

**P. R. RAMACHANDRA MENON,  
(JUDGE)**

kmd